

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 19TH MARCH 2007 / 28TH PHALGUNA 1928

WP(C).No. 16352 of 2003(V)

PETITIONER:

K.T.GOPALAN, KOTTAPARAKKAL HOUSE,
P.O.CHANIYAMKADAVU, VIA PONMERI,
VADAKARA, KOZHIKODE DISTRICT.

BY ADV. SRI.P.K.SURESH KUMAR

RESPONDENTS:

1. VADAKARA SAHAKARANA KARSHAKA GRAMA
VIKASANA BANK NO.F.1857, REPRESENTED BY ITS
SECRETARY, KAKKATTIL, VADAKARA, KOZHIKODE DISTRICT
2. SPECIAL SALE OFFICER, SENIOR INSPECTOR
HIGHER GRADE, VADAKARA SAHAKARANA KARSHAKA
GRAMA VIKASANA BANK NO.F.1857, KAKKATTIL,
VADAKARA, KOZHIKODE DISTRICT.
3. CHERUVATTU MEETHAL NARAYANAN,
THIRUVALLUR AMSOM, VELLOOOKARA DESOM,
VADAKARA, KOZHIKODE DISTRICT.

BY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 19/03/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ORDER ON I.A. NO. 1252 OF 2003 IN WPC 16352 OF 2003

DISMISSED

19.3.2007

SD/-C.N.RAMACHANDRAN NAIR, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF DECREE IN O.S.NO. 63/95 OF THE MUNSIFFS-MAGISTRATE OF
PAYYOLI DATED 31.10.1997

EXT.P2 TRUE COPY OF DECREE IN O.S.NO. 95/1997 OF MUNSIFFS-MAGISTRATE PAYYOLI
DATED 30.11.1998.

EXT.P3 TRUE COPY OF INTERIM ORDER DATED 31.5.2002 IN CMP NO. 830/2002 IN S.A.NO. 288
OF 2002 OF THIS HON'BLE COURT.

EXT.P4 TRUE COPY OF NOTICE REGARDING AUCTION PUBLISHED IN MATHRUBHUMI
DAILY DATED 23.5.2003

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 16352 OF 2003

Dated this the 19th day of March, 2007

JUDGMENT

Petitioner is claiming title over the property mortgaged by the third respondent in favour of the first respondent for availing loan. I do not think there is any scope for this Court to decide the issue because second respondent is free to decide the petitioner's case before sale of property. W.P. is therefore disposed of with direction to the petitioner to file claim petition in respect of attached property before the second respondent and produce all documents before him. Second respondent will verify the petitioner's claim and if the property is found to be belonging to the petitioner, he will exclude such property. In that event, it is for him to attach and sell other properties of the third respondent, who is admittedly the defaulter. In any case, before sale of attached property claimed by the petitioner, claim petition filed by the petitioner should be disposed of by second respondent. If petitioner has any grievance thereafter petitioner can challenge such orders.

(C.N.RAMACHANDRAN NAIR)
Judge

